

**224.20-145 Conditions under which cabinet may propose or submit a plan establishing carbon dioxide emission reduction performance standards for existing fossil fuel-fired electric generating units -- Administrative regulations - - Conditions under which performance standards plan is a legal nullity.**

- (1) The cabinet shall not propose or submit to the United States Environmental Protection Agency any plan establishing performance standards for existing fossil fuel-fired electric generating units unless the plan is:
  - (a) Consistent with KRS 224.20-140 to 224.20-146; and
  - (b) Prepared in consultation with the Kentucky Public Service Commission to ensure that the plan:
    1. Minimizes the impacts on current and future industrial, commercial, and residential consumers; and
    2. Does not threaten the affordability of Kentucky's rates or the reliability of electricity service.
- (2) The cabinet shall promulgate administrative regulations for the establishment and implementation of any state plan to regulate emissions of carbon dioxide emissions from existing fossil fuel-fired electric generating units under 42 U.S.C. sec. 7411(d).
- (3) Any state plan established by the cabinet to regulate emissions of carbon dioxide pursuant to KRS 224.20-140 to 224.20-146 shall have no legal effect if:
  - (a) The United States Environmental Protection Agency:
    1. Fails to issue federal rules or guidelines for reducing carbon dioxide emissions from existing fossil fuel-fired electric generating units under 42 U.S.C. sec. 7411(d); or
    2. Withdraws its federal rules or guidelines for reducing carbon dioxide emissions from existing fossil fuel-fired electric generating units; or
  - (b) A court of competent jurisdiction invalidates the United States Environmental Protection Agency's federal rules or guidelines issued to regulate emissions of carbon dioxide from existing fossil fuel-fired electric generating units.

**Effective:** July 15, 2014

**History:** Created 2014 Ky. Acts ch. 18, sec. 7, effective July 15, 2014.